

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

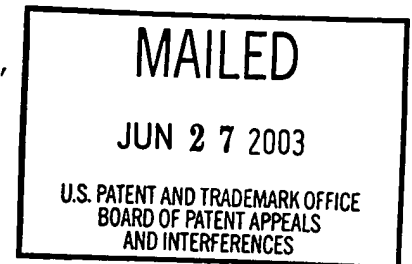
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Ex parte CHING-YUN CHAO,  
ROGER ELDRED HOUGH,  
RODOLFO AUGUSTO MANCISIDOR-LANDA,  
JAVASHREE RAMANATHAN  
and  
AMAL AHMED SHAHEEN

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Application 09/282,907

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on June 11, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On March 13, 2002, applicants filed a Notice of Appeal (Paper No. 11), and an Extension of Time (Paper No. 10) for one month. To timely file the Notice of Appeal, a three month

Application No. 09/282,907

extension is required. 37 CFR 1.17(a)(3) (Revised as of July 1, 2001) states the following:

(3) For reply within the third month:

By other than a small entity . . . . \$890

The Extension of Time (Paper No. 10) is deficient \$780.

The applicants' Notice of Appeal (Paper No. 11) and Extension of Time (Paper No. 10) indicate at page 3 that:

If any additional extension and/or fee is required  
charge Account 09-0447 (AT9-98-441).

The additional fee of \$780 is required to be charged to Account No. 09-0447 (AT9-98-441) as authorized by Applicants in Paper No. 10.

Additionally, an Amendment (Paper No. 6) was filed on July 23, 2001, which affected claims 25 through 30, was approved for entry in his Final Rejection (Paper No. 7, page 2) mailed September 25, 2001. This Amendment (Paper No. 6) cancelled claims 26-30 and amended claim 25. [Appellants' Appendix to the Appeal Brief (Paper No. 12) filed April 15, 2002, does not reflect the changes to claim 25 as indicated in the approved Amendment (Paper No. 6). Rule 1.192(c)(9) of 37 CFR § 1.192 requires that the Appendix to the Appeal Brief contains a correct copy of the claims involved in the appeal.] The Appendix listing the claims on appeal in Paper No. 12 is defective.


Application No. 09/282,907

Accordingly, it is

ORDERED that the application is being returned to the examiner for resolution of the following issues:

- charge to Applicants' Account No. 09-0447 (AT9-98-441) of \$780 as authorized in Paper No. 10 for additional extension of two months;
- notification by the examiner for applicants to submit a corrected Appendix to the Appeal Brief (Paper No. 12) to replace the existing defective Appendix, or for the examiner to submit a Supplemental Examiner's Answer to officially correct the Appendix to the Appeal Brief; and
- for any further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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RA03-0397

Application No. 09/282,907

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